

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-4, 6-8, 10-13, 15-20 and 23-38 are pending in the application, with Claims 1, 12, 17, 24-26, 35 and 37 being the independent claims.

The Examiner rejected Claims 1-4, 6, 7, 17-20, 23-26, 28-30, 32, 33, 35 and 36 under 35 U.S.C. §103(a) as being unpatentable over International Publication No. WO 00/05912 to *Johnson et al.* (hereinafter, *Johnson*) in view of U.S. Publication No. 2003/0026215 to *Schafer*. The Examiner rejected Claims 8, 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over *Johnson* in view of *Schafer* and U.K. Publication No. 2,398,455 to *Jones et al.* (hereinafter, *Jones*). The Examiner rejected Claims 12, 16, 37 and 38 under 35 U.S.C. §103(a) as being unpatentable over *Johnson* in view of *Schafer* and U.S. Publication No. 2004/0157561 to *Akerberg et al.* (hereinafter, *Akerberg*). The Examiner rejected Claims 13 and 15 under 35 U.S.C. §103(a) as being unpatentable over *Johnson* in view of *Schafer*, *Akerberg* and *Jones*. The Examiner rejected Claim 27 under 35 U.S.C. §103(a) as being unpatentable over *Johnson* in view of *Schafer* and U.S. Publication No. 2003/0003882 to *Samuels et al.* (hereinafter, *Samuels*). The Examiner rejected Claims 31 and 34 under 35 U.S.C. §103(a) as being unpatentable over *Johnson* in view of *Schafer* and European Publication No. EP 1,168,878 to *Uebayashi et al.* (hereinafter, *Uebayashi*).

Regarding the §103(a) rejection of Claims 1-4, 6, 7, 17-20, 23-26, 28-30, 32, 33, 35 and 36, the Examiner contends that each element of the claims is taught or suggested by the combination of *Johnson* and *Schafer*. More specifically, the Examiner contends that each element of Claim 1 is taught by *Johnson* with the exception of a base station that sets up a guard time of a predetermined time between switching times of a forward link and a reverse link in the TDD mode, and assigns time slots beginning at a time slot in an area close to the guard time in order of each mobile station nearest to the base station. The Examiner cites *Schafer* in an attempt to remedy these deficiencies.

Claim 1 has been amended to recite the subject matter of Claim 8, and Claim 8 has been cancelled without prejudice. More specifically, Claim 1 has been amended to recite that the base station assigns a frequency resource in a predetermined area among frequency resources available in the base station as a reverse link resource for reverse transmission, and assigns the remaining available frequency resources to a forward link and a reverse link in a TDD mode.

Claim 8 was rejected as being unpatentable over the combination of *Johnson, Schafer* and *Jones*. The Examiner contends that *Jones* teaches the elements of Claim 8. However, *Jones* is not prior art, and may not be utilized by the Examiner to reject the claims. The priority date of the present application is January 29, 2003, which is earlier than the February 11, 2003 filing date of *Jones*. Thus, Claim 1 is patentable over the combination of *Johnson* and *Schafer*.

Independent Claims 17, 24-26 and 35 have been amended in a manner similar to that of Claim 1. Therefore, the independent claims, as amended, are also patentable for the reasons above.

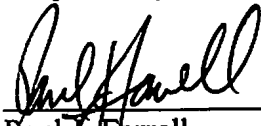
Regarding Claims 2-4, 6, 7, 18-20, 23, 28-30, 32, 33 and 36, while not conceding the patentability of the dependent claims, *per se*, Claims 2-4, 6, 7, 18-20, 23, 28-30, 32, 33 and 36 are also patentable for at least the above reasons. Accordingly, Applicants assert that Claims 1-4, 6, 7, 17-20, 23-26, 28-30, 32, 33, 35 and 36 are allowable over *Johnson* and *Schafer*, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Regarding the §103(a) rejections of Claims 10-13, 15, 16, 27, 31, 34, 37 and 38, independent Claim 12 has been amended in a manner similar to that of Claim 1, Claim 37 has recitations similar to that of amended Claim 1, and Claim 13 has been cancelled without prejudice. While not conceding the patentability of the dependent claims, *per se*, Claims 10, 11, 15, 16, 27, 31, 34 and 38 are also patentable for at least the above reasons. Accordingly,

Applicants assert that Claims 10-12, 15, 16, 27, 31, 34, 37 and 38 are allowable over *Johnson, Schafer, Akerberg, Samuels, Uebayashi*, or any combination thereof, and the rejections under 35 U.S.C. §103(a) should be withdrawn.

Accordingly, all of the claims pending in the Application, namely, Claims 1-4, 6, 7, 10-12, 15-20 and 23-38, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over a horizontal line.

Paul J. Farrell
Registration No. 33,494
Attorney for Applicant(s)

THE FARRELL LAW FIRM, P.C.
333 Earle Ovington Blvd., Ste. 701
Uniondale, New York 11553
(516) 228-3565